

eration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PRICE, Chairman.

### THIRTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,

Monday, February 23, 1925.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.

Absent.

Smith.

Prayer by Dr. Jewett.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

### Bills Ordered Not Printed.

The Chair here announced that on account of an oversight that H. B. No. 32 and S. B. Nos. 265, 264, 302 and 263 had been printed in the Journal instead of in bill form, whereupon Senator Wood moved that the bills be not otherwise printed, which motion was adopted.

### Bills and Resolutions.

By Senator Parnell:

S. B. No. 362, A bill to be entitled "An Act providing a method of serving citation in cases filed in the district and county courts of this State upon defendants who are residents or inhabitants of the State, in cases whereby reason of the defendants

concealing themselves, or other good reasons to be shown to the court by affidavit, or otherwise, the plaintiff is unable to secure service of citation of such defendant by the delivery of such citation to them in person, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Berkeley:

S. B. No. 363, A bill to be entitled "An Act to authorize owners of oil and gas permits and leases heretofore issued or hereafter issued on fresh water lakes to sell and transfer same as a whole or in tracts of not less than forty acres, and to authorize owners of oil and gas permits and leases heretofore issued or hereafter issued on river beds to sell and transfer same as a whole or in tracts of not less than two thousand six hundred forty linear feet following the meandering of such river; providing for recording transfers, filing same in the General Land Office; subdividing permits and leases upon payment of certain fees; providing for dissolution of combined permits and leases; appropriating fees to general revenue and public free school fund; providing for assignee to assume obligations of the original permittee or lessee on the area assigned, and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Miller, by request:

S. B. No. 364, A bill to be entitled "An Act providing that cities and towns under five thousand population shall have the power to appropriate property for public purposes, and declaring an emergency."

Read first time and referred to Committee on City, Towns and Corporations.

By Senator Holbrook:

S. B. No. 365, A bill to be entitled "An Act extending the boundaries of the Markham Independent School District, enlarging the same and defining its boundaries, and providing that the management and control of all public free schools within said enlarged district shall be vested in the present board of public school trustees of the Markham Independent School District and their succes-

sors in office, as now provided in the the General Laws of the State of Texas, governing independent school districts, and providing that their successors shall be elected and qualified and shall have such authority as is now conferred by the General Laws of the State of Texas upon boards of public school trustees of independent school districts, and providing that such added; and the territory shall not be in any manner subjected to the payment of any portion of the bonded indebtedness now outstanding against the present Markham Independent School District, the district as it existed prior to the enlargement thereof by the passage of this Act, and providing that none of the land, territory and property added to said Markham Independent School District shall be subjected to the payment of any portion of the local maintenance tax now levied, assessed and collected in said district, except in so far as the same may have been heretofore levied and assessed by a vote of the people in said added territory as now provided by the General Laws of this State, or as may be hereafter voted by the people of said enlarged district, as provided by the General Laws of this State, and investing said Markham Independent School District with all the powers, rights and duties of independent school districts, incorporated for free school purposes only, as now provided by the General Laws of the State of Texas for such districts, naming the fiscal year as to taxes, and that if any of the territory within said district, at the time of the passage of this Act, constitutes a part of another district adjacent in which there may be outstanding bonded indebtedness that such territory shall not be released from its pro rata part of said bonded indebtedness until same is paid and provided that the passage of this Act shall not in anywise affect or abrogate any local tax now being levied, assessed or collected in any portion of said district for school purposes, and authorizing the board of trustees of said district to furnish free transportation to school children where same is necessary, and declaring an emergency."

Read first time and referred to Committee on Education.

By Senator Holbrook:

S. B. No. 366, A bill to be entitled "An Act extending the boundaries of the Blessing Independent School District, enlarging the same and defining its boundaries, and providing that the management and control of all public free schools within said enlarged district shall be vested in the present board of public school trustees of the Blessing Independent School District and their successors in office, so now provided in the General Laws of the State of Texas, governing independent school districts, and providing that their successors shall be elected and qualified and shall have such authority as is now conferred by the General Laws of the State of Texas upon boards of public school trustees of independent school districts, and providing that such added land and territory shall not be in any manner subjected to the payment of any portion of the bonded indebtedness now outstanding against the present Blessing Independent School District, the district as it existed prior to the enlargement thereof by the passage of this Act, and providing that none of the land, territory and property added to said Blessing Independent School District shall be subjected to the payment of any portion of the local maintenance tax now levied, assessed and collected in said district, except in so far as the same may have been heretofore levied and assessed by a vote of the people in said territory as now provided by the General Laws of this State or as may be hereafter voted by the people of said enlarged district, as provided by the General Laws of this State, and investing said Blessing Independent School District with all powers, rights and duties of independent school districts, incorporated for free school purposes only, as now provided by the General Laws of the State of Texas for such districts, naming the fiscal year as to taxes, and that if any of the territory within said district, at the time of the passage of this Act, constitutes a part of another district adjacent in which there may be outstanding bonded indebtedness that such territory shall not be released from its pro rata part of said bonded indebtedness until same is paid, and providing that the passage of this Act shall not in anywise affect or abrogate any local tax now being levied, assessed or collected in

any portion of said district for school purposes, and authorizing the board of trustees of said district to furnish free transportation to school children where the same is necessary, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Bailey, by request:

S. B. No. 367, A bill to be entitled "An Act to reorganize the Thirty-sixth and Eighty-first Judicial Districts of the State of Texas; to provide that the present district judges and district attorneys shall hold their respective offices for the term for which they were elected, and until their successors qualify; to fix the time of holding the district courts in said districts; to provide for the time when this Act shall take effect; to make all processes heretofore issued, as well as bonds and recognizances heretofore entered into, conform thereto; to provide that the grand and petit jurors drawn and selected under existing laws in any of the counties of said judicial districts shall be considered legally drawn, and selected for the terms of the court of their respective counties, held after this Act takes effect; to provide the voters of the respective districts shall have the right to vote on and for the candidates for district judge and district attorney who will serve in the Thirty-sixth and Eighty-first judicial districts in the primary elections to be held in July, A. D. 1926, and in the general election to be held in November, A. D. 1926, who will serve as such district judge and district attorney, in and under the reorganization of said judicial districts as provided by this Act, to-wit: the counties of Wilson, Karnes, Bee, San Patricio and Aransas, may vote on the candidates for district judge and district attorney in said primary election to be held in July, A. D. 1926, and at the general election in November, A. D. 1926, and that the counties of Frio, LaSalle, Atascosa, Live Oak and McMullen may vote on the candidates for district judge and district attorney in said primary election to be held in July, A. D. 1926, and at the general election in November, A. D. 1926, and provided that this Act shall take effect on the first day of July, A. D. 1926, repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Davis, by request:

S. B. No. 368, A bill to be entitled "An Act to make appropriation to pay the widow of Leroy Derrberry, killed while in the service of the Texas Highway Department by an employe of the State Highway Department by a collision of their trucks, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Wood, et al.:

S. B. No. 369, A bill to be entitled "An Act amending Chapter 57 of the General Laws of the First Called Session of the Thirty-seventh Legislature, relating to the State Penitentiary System; providing for the relocation of the State Penitentiary System; providing for the disposition of the penitentiary property to accomplish the purpose of this Act; providing for a modern penitentiary system for facilities; providing for the purchase of the necessary property for such system and facilities; providing for the operation and maintenance of said system; providing the necessary officers, agents and employes and making the necessary appropriation to carry out the purpose of this Act, and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Woodward:

S. B. No. 370, A bill to be entitled "An Act to create a commission in aid of the Court of Criminal Appeals of Texas, regulating their powers and duties, appointment, duration of service, compensation, and providing for a stenographer, and making an appropriation therefor, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Berkeley by request:

S. B. No. 371, A bill to be entitled "An Act creating a special road law for Cottle County, Texas, and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Price:

S. B. No. 372, A bill to be entitled "An Act to amend all that portion of Senate Bill No. 101 passed at the Regular Session of the Thirty-eighth

Legislature and signed by the Governor contained under the section headed "Court of Civil Appeals, Sixth District, Texarkana," and above the section headed "Court of Civil Appeals, Seventh District, Amarillo," so that such section as amended will reduce the item of \$2,500.00 for bookcases for the year ending August 31, 1926, from \$2,500.00 to \$1,300.00; and adding a new line to such section providing for the year ending August 31, 1926, the sum of \$600.00, and for the year ending August 31, 1927, the sum of \$600.00 for porter hire, and the sum of \$100.00 for each of said fiscal years for bailiff, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Holbrook:

S. B. No. 373, A bill to be entitled "An Act amending and providing for the redemption, by the owner, of land or land lots heretofore sold, or that may be sold, to the State, city or town for taxes, and repealing all laws in conflict therewith, and declaring an emergency, passed at the Fourth Called Session of the Thirty-fifth Legislature, being Chapter 69, House Bill 165, approved April 2, 1918, by providing a right of redemption in sales of real property for taxes."

Read first time and referred to Committee on State Affairs.

By Senator Wood:

S. J. R. No. 18, A Joint Resolution of the Legislature of the State of Texas proposing to amend Section 4, Article 5, of the Constitution of the State of Texas, so that it shall hereafter provide for five judges of the Court of Criminal Appeals.

Read first time and referred to Committee on Constitutional Amendments.

Morning call concluded.

#### Simple Resolution No. 45.

By Senator Bailey:

Whereas, Hon. James H. Woods, a distinguished citizen of Navarro County and ex State Senator from that district is now in the city;

Therefore, be it resolved that he be extended the courtesies of and invited to address the Senate.

Bailey, Hardin of Kaufman, Ward, Strong, Fairchild, Floyd, Holbrook, Wood.

The resolution was read and adopted, and,

The Chair appointed Senators Bailey and Harden of Kaufman to escort former Senator Woods to the President's stand. Senator Bailey, by invitation, presented the former Senator to the Senate and who addressed the Senate briefly.

Morning call concluded.

#### Senate Bill No. 110.

The Chair laid before the Senate, as pending business,

S. B. No. 110, A bill to be entitled "An Act to amend Section 8, Chapter 119, of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-second Legislature of the State of Texas, 1911, and as amended by Chapter 189 of the Regular Session of the Thirty-fifth Legislature, 1917, and as amended by Chapter 27 of the First Called Session of the Thirty-fifth Legislature, 1917, and as amended by Chapter 79 of the Fourth Called Session of the Thirty-fifth Legislature, 1918, and as amended by Chapter 111 of the Regular Session of the Thirty-sixth Legislature, 1919, and as amended by Chapter 47 of the Third Called Session of the Thirty-sixth Legislature, 1920, relating to official shorthand reporters' compensation in certain counties and districts in this State; to provide for deputy shorthand reporters, to provide methods of preparing transcripts of evidence, and repealing all laws and parts of laws in conflict with said section of said chapter herein amended, and declaring an emergency."

The bill had been read at a former session, and,

Senator Bowers moved to rescind the vote by which the following amendment was adopted:

By adding after the line 10, word "Act" on page 2, the following language:

"Provided that no reporter shall receive in salary and transcript fees more than three thousand dollars per annum.

The motion to rescind was adopted. Senator Bowers mover to rescind the vote by which following amendment was adopted:

Amend the amendment by striking out "2250" and substituting "2000".

The motion to rescind was adopted.

Senator Bowers offered the following amendment, which was read and adopted:

Amend S. B. No. 110, by striking out the words and figures "\$2400.00" where they appear in the bill and insert the words and figures "Twenty-one hundred (\$2100.00) dollars".

The bill was passed to engrossment.

On motion of Senator Bowers, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 210 put on its third reading and final passage, by the following vote:

**Yeas—27.**

Bailey.	Pollard.
Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Hardin of Kaufman	Triplett.
Holbrook.	Ward.
Lewis.	Wirtz.
Miller.	Witt.
Moore of Cooke.	Wood.
Parnell.	Woodward.
Parr.	

**Nays—1.**

Bledsoe.

**Absent.**

Moore of Hunt.      Smith.  
Murphy.

S. B. No. 210 was laid before the Senate, read third time and passed finally, by the following vote:

**Yeas—21.**

Bailey.	Price.
Berkeley.	Real.
Bowers.	Reid.
Davis.	Russek.
Floyd.	Triplett.
Hardin of Erath.	Ward.
Hardin of Kaufman	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
Parnell.	Woodward.
Parr.	

**Nays—6.**

Bledsoe.	Moore of Cooke.
Fairchild.	Pollard.
Miller.	Strong.

**Absent.**

Moore of Hunt.      Smith.  
Murphy.              Stuart.

**Senate Concurrent Resolution.**

By Senator Miller:

Resolution by the Senate and House of Representatives concurring, that the Senate and House of Representatives of the Thirty-ninth Legislature of the State of Texas, 1925, may adjourn from Friday afternoon, February 27, 1925, to 10 o'clock a. m., March 3, 1925, for the purpose of permitting the Senate and House members to visit and inspect State Institutions and State Affairs in Corpus Christi, Kingsville, Brownsville, and the Rio Grande Valley between said dates.

The resolution was read and adopted.

**Executive Message.**

Executive Department,  
Austin, Texas, Feb. 23, 1925.  
To the Honorable Texas Senate:

I respectfully request your advice, consent and confirmation to the appointment of Hon. R. J. Williams of Red River County to be District Judge of the One Hundred and Second Judicial District.

Respectfully,

Miriam A. Ferguson,  
Governor of Texas.

**Executive Session—Time Set for.**

Senator Strong moved that the Senate go into executive session tomorrow immediately following the conclusion of the special order.

The motion was adopted.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, Feb. 23, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 27, A bill to be entitled "An Act amending Chapter 127 of the General Laws of the Regular Session of the Thirty-sixth Legislature, relative to highway traffic officers, so as to require the wearing of uniforms by such officers and providing for the payment of salaries of such officers, and that no fees shall be charged for any service of such officer, and declaring an emergency."

H. B. No. 85, A bill to be entitled "An Act providing for the appointment of assistant district attorneys and a special investigator in any ju-

dictial district consisting of more than one county, in any county in such district having a population in excess of 70,000, and providing for their salaries and the manner of their payment, and declaring an emergency."

H. B. No. 142, A bill to be entitled "An Act amending Section 9, of Chapter 40, General Laws passed at the First, Second and Third Called Sessions of the Thirty-eighth Legislature of the State of Texas, relating to agricultural credit corporations; regulating the rate of interest to be charged by corporations organized under the provisions of said chapter."

H. B. No. 143, A bill to be entitled "An Act for the protection of those dealing with trustees."

H. B. No. 163, A bill to be entitled "An Act creating the office of Public Weigher in all counties in Texas having a population of not less than 25,000, and not more than 25,700, according to the census of the United States taken in 1920, and prescribing the qualifications for such office and the powers and duties thereof."

H. B. No. 219, A bill to be entitled "An Act to amend an Act passed at the Regular Session of the Thirty-eighth Legislature, being Chapter 171 of the General Laws, passed by the Thirty-eighth Legislature and being 'An Act fixing in counties having a population in excess of one hundred and fifty thousand inhabitants, the compensation of district attorneys, and providing for the appointment of assistant district attorneys, investigators, stenographers, deputies and other employes, and providing for their salaries and the manner of their payment, and repealing all laws in conflict herewith, with exception, and declaring an emergency,' by providing that one of the seven assistant district attorneys authorized by the Act to be appointed shall receive a salary not to exceed four thousand eight hundred dollars per annum, instead of a salary not to exceed three thousand six hundred dollars per annum, as provided in the Act amended, and two other of said assistants at salaries not to exceed three thousand dollars per annum each, as is provided in the Act amended, all payable monthly by said counties, by warrant drawn from the general funds thereof, and declaring an emergency."

H. B. No. 253, A bill to be entitled "An Act amending Chapter 51, Acts of the Regular Session of the Thirty-eighth Legislature, regulating publications in newspapers, inserted by public officers, agents and agencies; prescribing the rate of charge thereof; fixing the price to be charged for political advertising; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 282, A bill to be entitled "An Act creating the offices of county weighers in all counties in Texas having a population of not less than 55,700 and not more than 55,800, according to the United States census for 1920, and prescribing the qualifications for such office and the power and duties thereof."

H. B. No. 299, A bill to be entitled "An Act to amend Chapter 107, Section 3, of the Local and Special Laws of the Thirty-fifth Legislature, regulating the method of taking or catching fish in the public fresh waters of Tom Green County, State of Texas, and providing for violations, and declaring an emergency."

H. B. No. 404, A bill to be entitled "An Act to create the Oklahoma Independent School District in Parmer County, Texas, out of territory now composing Common School District No. 10 of Parmer County, as heretofore created by the county board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the said Oklahoma School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 10 of Parmer County; providing that title to any and all property of said common school district shall be vested in the trustees of independent school district hereby created; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected and qualified in accordance with the General Laws of Texas, and declaring an emergency."

H. B. No. 462, A bill to be entitled "An Act to levy and collect annually

a three-dollar road tax against all able-bodied male citizens of Waller County, who are between the ages of 21 and 45 years; providing the manner of assessment and collection of said tax and further providing for a penalty for failure or refusal to pay such tax, repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 465, A bill to be entitled "An Act creating and incorporating the Hunter Independent School District in Terry County, Texas, out of territory now composing the Hunter Common School District No. 12, in said county as heretofore created; defining its boundaries; providing for a board of trustees thereof, and defining their powers and authority; authorizing said board of trustees to levy, assess and collect taxes for maintenance and building purposes and to issue bonds therefor; providing for a board of equalization for said district; providing that all outstanding obligations and indebtedness of said Common School District No. 12, in Terry County, shall be assumed by and become binding obligations of said Hunter Independent School District, providing for the validation of all such obligations and indebtedness; continuing in force the certain maintenance tax heretofore voted in said Common School District No. 12; providing that title to all public free property within said territory shall be vested in said Hunter Independent School District; providing for the election and terms of office of trustees of said Hunter Independent School District, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

#### House Bills on First Reading.

The following House Bills were laid before the Senate, read severally first time and referred to appropriate committees:

H. B. No. 27, referred to Committee on State Affairs.

H. B. No. 85, referred to Committee on Civil Jurisprudence.

H. B. No. 142, referred to Committee on Civil Jurisprudence.

H. B. No. 143, referred to Committee on Civil Jurisprudence.

H. B. No. 163, referred to Committee on State Affairs.

H. B. No. 219, referred to Committee on State Affairs.

H. B. No. 253, referred to Committee on State Affairs.

H. B. No. 282, referred to Committee on State Affairs.

H. B. No. 299, referred to Committee on State Affairs.

H. B. No. 404, referred to Committee on Educational Affairs.

H. B. No. 462, referred to Committee on State Highways and Motor Traffic.

H. B. No. 465, referred to Committee on Educational Affairs.

#### Senate Bill No. 223.

The Chair laid before the Senate, on second reading,

S. B. No. 223, A bill to be entitled "An Act repealing Chapter 14 of the Laws of the State of Texas passed by the Thirty-sixth Legislature at its Third Called Session, and declaring an emergency."

The committee report recommended a substitute bill, and Senator Moore of Hunt offered an amendment as a substitute for the committee substitute, which amendment was printed in the Journal of February 19.

After discussion Senator Woodward moved that the further consideration be postponed and that the bill, the committee substitute and the substitute for the committee substitute be recommitted to the Committee on Civil Jurisprudence.

#### Recess.

On motion of Senator Woodward the Senate at 12 m recessed until 2 o'clock today.

#### After Recess.

The Senate was called to order by Lieutenant Governor Miller.

#### Senate Bill No. 223.

Action received on the pending business, S. B. No. 223, the question being on motion by Senator Woodward to recommit the bill, and amendments, to the Committee on Civil Jurisprudence.

As a substitute, Senator Pollard moved to lay the bill on the table subject to call, which motion was lost.

Action then recurred on the motion to recommit the bill and amendments, which motion was lost, by the following vote:

## Yeas—12.

Bailey.	Pollard.
Berkeley.	Strong.
Bowers.	Ward.
Floyd.	Witt.
Holbrook.	Wood.
Miller.	Woodward.

## Nays—14.

Bledsoe.	Moore of Cooke.
Davis.	Murphy.
Fairchild.	Parnell.
Hardin of Erath.	Parr.
Hardin of Kaufman	Real.
Lewis.	Stuart.
Moore of Hunt.	Triplett.

## Absent.

Price.	Smith.
Reid.	Wirtz.
Russek.	

Senator Wood moved that the bill be laid on the table subject to call, which motion was adopted by the following vote:

## Yeas—17.

Bailey.	Pollard.
Berkeley.	Real.
Bowers.	Strong.
Davis.	Stuart.
Floyd.	Ward.
Hardin of Kaufman	Witt.
Holbrook.	Wood.
Miller.	Woodward.
Murphy.	

## Nays—9.

Bledsoe.	Moore of Cooke.
Fairchild.	Parnell.
Hardin of Erath.	Parr.
Lewis.	Triplett.
Moore of Hunt.	

## Absent.

Price.	Smith.
Reid.	Wirtz.
Russek.	

## Senate Bill No. 193.

The Chair laid before the Senate, on second reading,

S. B. No. 193, A bill to be entitled "An Act defining the authority of the Board of Control in reference to

the State Capitol building and the Land Office building situated in the city of Austin, Texas, and declaring an emergency."

The bill was read second time, and, The committee recommended three amendments, which amendments were read, and,

Senator Witt offered the following substitute for the committee amendment No. 1:

Amend committee amendment No. 1, S. B. No. 193, so as to make same read as follows: "Provided, however, that the fourth floor of the State Office building is hereby set apart for the office of the General Land Office, and the Board of Control shall have no authority or control over any portion of said floor.

The amendment was read and adopted.

Amendments Nos. 2 and 3 were then read and adopted.

The committee report, as amended, was then adopted.

Senator Parnell offered the following amendment, which was read and adopted:

Amend S. B. No. 193, Page 2, by adding the following: "Provided, however, that the occupancy and use of the committee rooms of the House and Senate, and the Lieutenant Governor's rooms, and the rooms of the Speaker of the House, shall be determined by the House and Senate."

The bill was passed to engrossment.

On motion of Senator Parnell, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 193 put on its third reading and final passage, by the following vote:

## Yeas—28.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

## Absent.

Bowers.	Smith.
Moore of Hunt.	



S. B. No. 193 was laid before the Senate, read third time and passed finally, by the following vote:

## Yeas—27.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

## Absent.

Bowers.	Smith.
Moore of Hunt.	Wirtz.

## Senate Bill No. 213.

The Chair laid before the Senate, on second reading,

S. B. No. 213, A bill to be entitled "An Act to make it unlawful for a period of time commencing with the passage of this Act and ending November 1 A. D. 1927, for killing, bagging, netting or trapping any wild partridge or wild quail of any variety, in the counties of Ellis, Hill, Hoods, Johnson and Somervell; providing the penalty for the violation thereof, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted. The bill was read second time, and,

Senator Davis offered the following amendment:

Amend S. B. No. 213, by inserting between the word "and" and the word "Somervell" the word "Dallas" in the body of the bill and the caption.

On motion of Senator Ward, the bill was laid on the table subject to call.

## Senate Bill No. 261.

The Chair laid before the Senate, on second reading,

S. B. No. 261, A bill to be entitled "An Act amending Article 726 of the Code of Criminal Procedure of 1911, so as to vest in the trial judge authority to determine whether severance shall be granted in cases where defendants are jointly or severally indicted, and repealing Ar-

ticle 272 of the Code of Criminal Procedure, and declaring an emergency."

Senator Murphy moved that the further consideration of the bill be indefinitely postponed, which motion was adopted.

## Simple Resolution No. 46.

By Senator Bailey:

Resolved that the Senate requests the House to return to the Senate S. B. No. 184 for reconsideration.

The resolution was read, and Senator Strong moved to table the resolution, which motion to table was lost by the following vote:

## Yeas—12.

Bledsoe.	Pollard.
Davis.	Real.
Floyd.	Strong.
Miller.	Triplett.
Murphy.	Witt.
Parr.	Woodward.

## Nays—17.

Bailey.	Parnell.
Berkeley.	Price.
Bowers.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman	Stuart.
Holbrook.	Ward.
Lewis.	Wirtz.
Moore of Hunt.	Wood.
Moore of Cooke.	

## Present—Not Voting.

Fairchild.

## Absent.

Smith.

Action recurred on the resolution, and pending discussion Senator Bailey moved the previous question on the resolution, which motion being duly seconded, was adopted.

The resolution was lost by the following vote:

## Yeas—14.

Bailey.	Moore of Cooke.
Berkeley.	Parnell.
Fairchild.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman	Ward.
Holbrook.	Wirtz.
Moore of Hunt.	Wood.

## Nay—16.

Bledsoe.	Lewis.
Bowers.	Miller.
Davis.	Murphy.
Floyd.	Parr.

Pollard.	Stuart.
Price.	Triplett.
Real.	Witt.
Strong.	Woodward.

Absent.

Smith.

**Senate Bill No. 288.**

The Chair laid before the Senate, on second reading,

S. B. No. 288, A bill to be entitled "An Act to provide the inspection and standardization of junior colleges, teachers' colleges and universities of the first class; prescribing fees therefor, providing fees to be paid by teachers securing certificates based on work done in such institutions; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time, and Senator Bowers moved to lay the bill on the table, subject to call, which motion was adopted.

**Senate Bill No. 17.**

The Chair laid before the Senate, on second reading,

S. B. No. 17, A bill to be entitled "An Act to provide for co-operation between the State of Texas and the United States Department of Agriculture in the destruction of rodent pests—prairie dogs, rats, pocket gophers and ground squirrels, and predatory animals—coyotes, wolves, mountain lions, bobcats and other predatory animals; appropriating funds for such purposes, and declaring an emergency."

The bill was read second time, and the committee report, with committee amendment, was adopted.

The bill was read second time and passed to engrossment, by the following vote:

**Yeas—19.**

Berkeley.	Pollard.
Bledsoe.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Stuart.
Holbrook.	Ward.
Lewis.	Wirtz.
Moore of Hunt.	Wood.
Parnell.	Woodward.
Parr.	

**Nays 8.**

Bailey.	Miller.
Bowers.	Moore of Cooke.
Davis.	Strong.
Hardin of Kaufman	Triplett.

Absent.

Murphy.	Smith.
Price.	Witt.

**Senate Bill No. 289.**

The Chair laid before the Senate, on second reading,

S. B. No. 289, A bill to be entitled "An Act to require every insurance company, corporation, inter-insurance exchange, reciprocal, association, Lloyds or other insurer writing workmen's compensation, employers' liability, public liability, teams liability, automobile liability, elevator liability, contractual liability, product liability, sports' liability, druggists' liability, physicians', surgeons' and dentists' liability, hospital liability, property damage liability, automobile collision, elevator collision, burglary, theft, larceny, robbery, plate glass, bank check, forgery, sprinkler leakage, water damage, fraud, steam boiler, flywheel, engine breakage, electrical machinery, automobile fire, theft and transportation insurance and fidelity, and surety bonds and undertakings in this State, to file with the Commissioner of Insurance its classification of risks and premium rates together with basis rates and schedule and experience or merit-rating plan and any other plan of adjusting rates to individual risks; requiring the equipment subject to his control and examination; providing that the rates, classification, policy forms, rules and regulations now in use shall remain in effect until the commissioner shall have approved other or different rates, classifications, policy forms, rules and regulations; providing that no assessment, levy or collection for expenditures in 1925 of the special tax imposed by Section 11, Chapter 182, General Laws of Regular Session of the Thirty-eighth Legislature, shall be made, and revoking and cancelling any assessment of levy for expenditure in 1925, heretofore made; providing a penalty for the violation of the provisions of this Act; providing that if any part of this Act shall be held to be unconstitutional it shall not affect any other part of this Act; repealing all of Chapter 182, Acts of the Regular Session of the Thirty-eighth Legislature enacted in 1923, and Sections 16c and 17 of part III and part of Section 2 of part IV of Chapter 103 of the Gen-

eral Laws of the Regular Session of the Thirty-fifth Legislature, known as the workmen's compensation law, and all other sections or parts of sections of said law and all other laws or parts of laws in conflict herewith or with any provision hereof, and declaring an emergency."

The bill was read second time, and Senator Fairchild offered the following several amendments, severally, which were read and adopted.

1. Amend S. B. No. 289, page 3, line 29, by inserting the word "Liability" in lieu of "Liablity" following the word "Public."

2. Amend S. B. No. 289, page 4, line 4, by inserting a semicolon in lieu of the comma after the word "Machinery."

3. Amend S. B. No. 289, page 4, line 5, by inserting a semicolon in lieu of the comma after the word "insurance."

4. Amend S. B. No. 289, page 4, line 6, by inserting a comma after the word "State."

5. Amend S. B. No. 289, page 4, line 14, by inserting the word "any" in lieu of the word "the."

6. Amend S. B. No. 289, page 4, lines 19 and 20, by omitting the words "become effective without his approval" and insert in lieu thereof the words "be deemed to have his approval."

7. Amend S. B. No. 289, page 4, line 25, by inserting the word "risks" in lieu of the word "risk."

8. Amend S. B. No. 289, page 4, line 30, by inserting the word "Those" in lieu of the word "these."

9. Amend S. B. No. 289, page 5, line 30, by inserting the word "of" in lieu of the word "or."

10. Amend S. B. No. 289, page 4, line 31, by inserting the word "risks" in lieu of the word "risk."

11. Amend S. B. No. 289, page 6, line 2, by inserting the word "thereafter" in lieu of the word "therafter."

12. Amend S. B. No. 289, page 6, line 27, by inserting the word "Commissioner" in lieu of the word "Commission."

13. Amend Caption S. B. No. 289, page 1, line 17, by omitting the comma after the word "electrical" and by inserting a semicolon in lieu of a comma after the word "machinery."

14. Amend Caption S. B. No. 289,

page 1, line 18, by inserting a semicolon in lieu of the comma after the word "Insurance."

15. Amend Caption S. B. No. 289, page 2, line 24, by inserting the word "policies" in lieu of the word "policis."

16. Amend Caption S. B. No. 289, page 2, line 27, by inserting the letter "e" after the letter "r" and before the letter "g" in the word beginning "rgula—."

17. Amend S. B. No. 289, page 7, line 13, by inserting a new paragraph to read as follows:

"Provided that any party dissatisfied with the final action or decision of the commissioner on any question coming within the provisions of this Act shall have the right, within thirty days thereafter or within thirty days after the hearing above provided for, to appeal to the district court of Travis County, and the trial be de novo."

18. Amend Caption S. B. No. 289, page 2, line 29, by inserting after the semicolon after the word "conducted" the following: "Provided for appeal;"

The bill was then passed to engrossment.

#### Senate Bill No. 330.

(By Unanimous Constant.)

The Chair laid before the Senate, on second reading,

S. B. No. 330, A bill to be entitled "An Act to amend Chapter 90, page 185, of the General Laws of the State of Texas, passed by the Thirty-eighth Legislature, at its regular session in 1923, the same being an Act to reorganize the Thirty-fifth Judicial District of Texas, to name the counties composing such Thirty-fifth Judicial District of Texas, and to fix the time for holding court in the counties composing said district; to provide for the execution and return of process issued out of said court; fixing the time when this Act becomes effective, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 330 put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.

Absent.

Smith.

S. B. No. 330 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—30.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.

Absent.

Smith.

#### Senate Bill No. 327.

(By unanimous consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 327, A bill to be entitled "An Act relating to water improvement districts and providing that lands admitted to a water improvement district organized or operating under Section 59, Article 16 of the State Constitution, may be admitted upon agreement that same be taxed upon assessment of benefit plan or upon a uniform acreage basis or upon a definite annual payment; pro-

viding that in the collection of delinquent taxes the attorney's fees of not to exceed 10% of such taxes shall be added to same and judgment may be recovered therefor, and that publication of delinquent tax rolls is not prerequisite to the filing of such suits; amending Section 72, Chapter 87, Acts of the Regular Session of the Thirty-fifth Legislature, as amended by Section 1, Chapter 58, Acts of the Regular Session of the Thirty-eighth Legislature, and being Article 7718 of the Revised Civil Statutes of 1925; providing for the election of five directors for a district and that in certain districts, containing not to exceed 12,000 acres of land in which 60% or more of the lands are owned by persons who do not reside in the district in which the petition for organization so provides such directors shall be appointed by the county commissioners' court and the procedure thereof; providing that assessments of a water improvement district for maintenance and operation shall be a lien against the lands assessed and shall not be barred by limitation; amending Section 83, Chapter 87, Acts of the Regular Session of the Thirty-fifth Legislature, and being Articles 7732 to 7736, inclusive, of the Revised Civil Statutes of 1925, providing that lands in an adjoining county may be added to a district in the same manner as if situated in the same county; providing a water improvement district may file reports and make audits for each calendar year, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parnell, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 327 put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Wood.
Moore of Cooke.	Woodward.
Murphy.	

## Absent.

Hardin of Erath. Smith.  
Price. Witt.

S. B. No. 327 was laid before the Senate, read third time, and passed finally, by the following vote:

## Yeas—27.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Parr.	

## Present—Not Voting.

Bailey. Fairchild.

## Absent.

Hardin of Erath. Smith.

## Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 23, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 183, A bill to be entitled "An Act making appropriations for the support and maintenance of the State Government for the two-year period beginning September 1, 1925 and ending August 31, 1927, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

With Substitute Bill.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

## Senate Bill No. 183—Free Conference Committee Report on.

Senator Davis called up S. B. No. 183, with House amendments (substitute bill), and moved that the Senate do not concur in the House amendments, and request the appointment of a Free Conference Committee to adjust the differences.

The motion was adopted, and the Chair appointed the following as members of the committee, on part of the

Senate: Senators Davis, Fairchild, Witt, Parr and Wirtz.

## Report of Penitentiary Investigating Committee.

Senator Miller here submitted a written report, majority and minority, of the Special Committee of the House and Senate, as follows:

## (Majority Report.)

Austin, Texas, Feb. 23, 1925.  
To Hon. Barry Miller, President of the Senate of Texas, and Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sirs: We, your Joint Committee, appointed by the Senate of Texas and the House of Representatives, respectively, to investigate the penitentiary system of the State and report back to the Legislature, beg leave to report as follows:

We have made the best investigation possible in the short time permitted, and we have been mindful of the duty we owe to both of the honorable bodies of which we are members and the people of Texas. We have conducted our investigation with no object in view but the honor of Texas, and the betterment of our penal system, in both the humane treatment of convicts and the financial improvement of the system.

We have desired neither to punish nor humiliate any individual, yet we have sought to find out and reveal the true state of affairs existing in our penal system, and to place responsibility for the condition existing where it belongs, without fear or favor.

Practically the entire committee visited what is known as the "Walls" at Huntsville, and all of the prison farms, except the farm known as the Shaw Farm located in Bowie County, Texas, and testimony was heard by your committee at the Capitol, as well as at Huntsville and the farms. In this visitation, inspection was made of physical properties of the system and inquiry into the methods of prison management. We also interviewed many of the employes and a great number of the convicts. These convicts were visited by your committee while in their barracks, and also many of them while out in the fields at work.

We have permitted every person interested in any matter under investigation to appear and give evidence in his own behalf and to present all witnesses he desired. Our hearings

*Also see p 1181 HCA 19*

have been open to the press and the public.

The conclusions reached by your committee with reference to the general management and general conditions of the system are very similar to the conclusions that have been reached by every previous investigating committee—that little attention is paid to many provisions of the law governing the penitentiary system; that few educational or reformatory efforts are being made or encouraged by the official prison personnel; that the conditions under which the convicts are imprisoned, that is, upon widely scattered farms and in locations where prison farms have been operating for many years, have conduced to the development of a condition of convict management that has improved very little; and, in the judgment of your committee, makes almost hopeless any prospect of substantial improvement so long as the convicts are handled under the present system, and particularly so if the isolated farms are continued to be operated and the present personnel of its management is allowed to remain in charge. A single head of the system, vested in criminology, would largely correct this. Pending the establishment of the single head system, we insist that the management devote some whole-hearted energy to the mental and vocational improvement of convicts.

To be more specific, based upon the testimony taken, and which testimony will be attached as soon as same can be transcribed and made an exhibit hereto, your committee makes the following conclusions and recommendations, to-wit:

#### Centralization.

In the opinion of your committee, it is absolutely necessary that the prison system be centralized and concentrated, and that what might be known as the walls or central prison system should be located adjacent to all the farming operations, so that such industrial or manufacturing activities as may be operated (and the operation of as many such activities as can be established is urged as necessary to a modern and efficient prison system) can be operated by convicts who are suitable for that character of work, and that such convicts would be subjected to the hardships and cruelties to which they are now subjected; and the location of the farms adjacent to such

central prison system would enable the easy transfer of prisoners from one line of activity to another, as might be found necessary and suitable to their physical condition and previous training. Such centralization will further make possible an oversight and inspection of all penitentiary activities regularly and frequently, and will not afford those charged with the responsibility of management the excuse they now make as to conditions being beyond their control.

The present system, as managed, makes possible the keeping from the public the actual goings-on and happenings in connection with the management of the system, and the treatment of the prisoners and a centralized system, as recommended, would make possible, and your committee strongly recommends that all prison happenings be made public and that there be no secrecy with reference to irregularities or brutalities or mismanagement in connection with the same.

We approve the suggestion that the management of the penitentiary system be turned over to a single individual, qualified for the duties, and paid in accordance with his qualifications. To avoid the necessity of a constitutional amendment carrying out this plan, we propose that the present Constitutional Commissioners be placed on a non-salary basis, or be paid on a per diem basis for the time devoted to their work, and be paid their expense, and required to engage a qualified manager and exercise practically the same supervision over his activities as do the directors over industrial corporations. This change can be made by legislative enactment during the present session if it receives general approval.

#### Financial.

It has been impossible for your committee to make much of an investigation of the financial affairs of the system. It seems that there has been no real audit of the financial transactions of the system in many years. It is recommended that a thorough audit be made, by independent auditors, of all the financial transactions of the system covering the last four years. This is recommended not only because it is good business to have an institution handling as much money as the prison system handles audited at least once

a year, but because of the haphazard, lax system of handling the funds and the many charges and much testimony as to irregularity that have come to the attention of the committee.

Of course, your committee knows, as the world knows, that the prison system is being operated at a yearly loss of hundreds of thousands of dollars; an emergency appropriation having already been passed by the Senate prior to the filing of this report of \$500,000.00 to carry on the operations for the current year, and this, notwithstanding the fact, that the two preceding years have been fine crop years and no overflows have disturbed the productivity of the farms.

Your committee believes that the financial affairs of the system have been grossly mismanaged, and that business-like methods are not employed in connection with the buying of materials and supplies, or the distribution of same to the different units of the system or in the sale of cotton and other products.

#### Reformation of Convicts.

The law requires that the Prison Commissioners shall provide for the convicts "suitable moral instruction;" also "at each prison farm and camp where convicts are kept or worked, schools for instruction of prisoners in the elementary branches of the English language and industrial education, and such other instruction as they may prescribe, and shall provide suitable recreation for the convicts at reasonable hours;" and that they "shall employ such number of competent teachers to instruct the convicts as they may deem necessary." The law further provides, "the board shall provide for religious services at prison farms and camps where convicts are kept or worked. They shall employ such chaplains as may be necessary to afford all convicts an opportunity to attend at least two religious services a month, said chaplains to devote their entire time to religious and moral training and education of the prisoners under their care."

Your committee finds that the above provisions of the law are practically a dead letter, and that the Board of Prison Commissioners has made practically no effort to provide educational or religious instruction. Such educational facilities as are furnished are entirely inadequate

and obsolete, and little encouragement is given to the convicts to take advantage of the same, the hours of instruction being after or before long hours of labor and no credit of any kind being given the convicts for the time devoted to same. There are only one or two chaplains in the entire system giving their full time to the work, many of the camps not having had religious services in many months. Few burials even are conducted by the chaplains, and prisoners have been often buried without civilian clothing.

The law provides that "convicts shall have every opportunity and encouragement for moral reform." Your committee finds practically no opportunity or encouragement from the personnel of the prison management for moral reform. Such educational and religious instruction and encouragement to reform as have been given have been brought about almost solely by the activity of the Prison Advisory Board.

#### Classification of Convicts.

The law provides for the classification of convicts according to age and character, as shown by their past records, and according to physical condition. Your committee finds insufficient effort toward such classification—finding prisoners of all ages within the same barracks, the seventeen-year-old first offenders in constant association with the hardened criminals of mature years. Your committee also has found little effort at the segregation of contagious diseases, and very unsatisfactory initial medical examination or subsequent examination during the period of imprisonment.

Your committee believes that there can be no more serious indictment returned against the Board of Prison Commissioners than their failure to classify prisoners, so that the first offenders and young men might not be thrown in daily contact with the older ones and might not be made confirmed criminals by reason of their prison sentence rather than be turned back to society improved.

#### Medical Condition.

It has been demonstrated to your committee, beyond a doubt, that the medical department of the system is by far the most inefficient and weakest department of the entire prison system. On this trip we found many

cases at the various farms, indicating gross negligence on the part of the physicians in charge, and we find little effort at the segregation of prisoners afflicted with communicable diseases from the other inmates. With particular reference to the tubercular farm, your committee regrets to report that the tubercular farm is a disgrace to Texas and the officials who have it in charge.

The medical system is on an entirely wrong basis, in that it does not require the full time of all physicians in charge, but permits physicians employed by the system to engage in regular practice, and most all of them have been engaged in this work for the penitentiary and their private practice from fifteen to twenty years, and many of the physicians have other interests than their regular practice, to-wit: Some of them being engaged in the cattle, farming and drug business. The result is that the prisoners have received indifferent attention and frequently gross neglect at their hands.

#### Cruelty to Prisoners.

The system of employing guards of the type and character now in the system makes impossible humane treatment of prisoners. We find that most of the guards—there being some 350 or 400 in number now in the system—have been engaged in such capacity from five to twenty years.

The great majority of the guards have become hardened and inhuman in their attitude toward the convicts. These guards have grown up around the prison system, their brothers and their fathers having served as guards before them. Numerous instances have come to the attention of your committee of gross brutality, mistreatment and killing of prisoners; and we find practically no effort to bring about the prosecution of the offenders, and, in many instances, the guards are not even dismissed from the service, and, even when dismissed from the immediate camp where the offense was committed, we find that they are frequently transferred to other camps and are continued in the system.

Your committee would recommend that our statutes be so changed as to give Travis County concurrent jurisdiction to try all offenses committed in connection with the penitentiary system.

#### Discharge of Prison Officials.

Under our system of government, each head of a State department, or

State institution, must be held responsible for the success or failure of such department or institution; and it is also true that with the honor of being the head necessarily goes the responsibility of successful and proper administration.

We believe from the evidence adduced in this investigation that J. A. Herring, Chairman of the Board of Prison Commissioners, has been incompetent, negligent and has disregarded and violated the law governing the conduct of the prison system; and that he is largely responsible for the irregularities, evils, inhuman treatment and mismanagement of the penitentiary system.

We, therefore, respectfully request that the Legislature ask for the immediate resignation of J. A. Herring as a member of the Board of Prison Commissioners, and in the event that he fails or refuses to resign, that the proper proceedings be instituted to remove him from office.

#### Discharge of Prison Employees.

In view of the evidence introduced before this committee, and our findings thereon, we respectfully request the Legislature to ask the Board of Prison Commissioners, and each of them, to demand the immediate resignation of the hereinafter named employees of the system; and we further request the Board of Prison Commissioners, and each of them, in the event said employees fail to immediately resign, to discharge said employees. We further request the Legislature to ask the Board of Prison Commissioners to report immediately whether or not it is their intention to comply with the request of the Legislature in discharging the employees hereinafter named:

Dr. L. H. Bush, Chief Physician and Surgeon.

Dr. C. C. Hampil, Assistant Physician.

Dr. Sam P. Beeson, Assistant Physician.

C. J. Davis, Cashier of the Prison System.

N. T. Thornton, Manager, Wynne State Farm.

F. C. Whatley, Manager, Ramsey State Farm.

J. S. Murphy, Manager, Darrington State Farm.

R. E. McAdams, Manager, Ferguson State Farm.

J. P. McAfee, Assistant Manager, Shaw State Farm.

R. E. Rader, Dog Sergeant, Ramsey State Farm.



W. O. Simmons, Dog Sergeant, Wynn State Farm.

Bates Tennis, Guard, Darrington State Farm.

F. E. Hamilton, Guard, Senior State Farm.

T. A. Hamilton, Guard, Senior State Farm.

A. M. Horton, Steward, Clemens State Farm.

Ned South, Guard, Clemens State Farm.

Ben Gayle, Steward, Ferguson State Farm.

B. E. Rollo, Guard, Eastham State Farm.

Aubrey Hines, Guard, Bassett Blakeley State Farm.

Paul Koch, Guard, Eastham State Farm.

S. C. Oliver, Guard, Eastham State Farm.

Leon Hyde, Guard, Eastham State Farm.

#### Recommendations.

In view of the inspection of properties and the system in general, and the testimony heard, the conclusions drawn therefrom by your committee and the findings set out in this report, your committee respectfully recommends as follows:

1. A centralized prison system.
2. One-man management.
3. Full time medical officers.
4. Installation of a business system and an annual audit by independent auditors of the prison financial affairs.
5. Severe penalties for the failure of the Board of Prison Commissioners to comply with the law as to furnish of educational, religious and reformatory facilities for all prisoners; and for their failure to classify and segregate them as required by law.
6. More severe penalties for cruel and inhuman treatment.
7. The abolishment of the bat.
8. The giving of concurrent venue to Travis County for the violation of all prison laws.
9. Legislation providing for:
  - a. The indeterminate sentence.
  - b. Parole.
  - c. Overtime for extra labor.
  - d. Overtime for school attendance.

We condemn the present practice of some guard or other officials taking away from a convict overtime that he has earned by hard labor, because of some supposed infraction of the prison rules.

10. A continuation and extensive enlargement of the Honor Farm and honor system; because your committee believes that the inauguration of the Honor Farm has been the most outstanding step toward the reformation and rehabilitation of the prisoners.

11. The law should be strictly compiled with in regard to the furnishing of educational and religious opportunities, and that same should be considered by the prison management as of more importance than the making of dollars, just as the law as it now exists considers it of more importance.

12. It is further recommended that the Board of Pardons made a thorough investigation into the condition and record and right to clemency of every convict now in the State penitentiary, and that this investigation be continued as new men are sent there.

13. Your committee further recommends that the law should be changed so as to provide for the payment of at least twenty-five dollars to each convict when he is discharged.

14. Your committee recommends a change of the law so that when one convicted of an offense has paid the penalty by serving out his sentence with a clear record, automatically his citizenship becomes restored.

15. We recommend the continuation of the prison advisory board and the making of adequate appropriation for the same.

16. We recommend the passage of stringent laws with reference to practices of immorality between prison officials and employes and the relatives of convicts.

17. We further recommend an investigation or a civil service examination of all employes as to their qualifications before employment, especially farm managers, captains, dog sergeants and guards.

18. The immediate resignation or discharge of certain prison officials and employes.

19. We recommend proper legislation to establish a State brand for livestock, making it unlawful for any person to use a similar brand or a brand that can be made from or added to the State brand.

We, your committee, report that the expenses incurred in this investi-

gation will total less than \$2500.00.

Respectfully submitted,  
CHITWOOD, Chairman.  
IRWIN.

On the Part of the House.  
MILLER, Vice Chairman.  
WITT.

On the Part of the Senate.

(Minority Report.)

Austin, Texas, Feb. 23, 1925

To Hon. Barry Miller, President of the Senate of Texas, and Hon. Lee Satterwhite, Speaker of the House of Representatives:

We, a minority of your Joint Committee, appointed by the Senate of Texas and the House of Representatives, respectively, to investigate the penitentiary system of the State and report back to the Legislature, beg leave to report the following:

We believe the principal defects in the system result from lack of centralization. No executive head, composed either of a board of three or a single manager, could conduct properly a system scattered from the Arkansas line to the Gulf. We therefore recommend a centralized organization from which it is practical not only to direct farm operations but also to conduct factories for the manufacture of supplies needed by the eleemosynary and other institutions of the State. To carry this out it will be preferable to purchase a tract of land in the center of the State. This would result in economy in administration, not only from reduction in the cost of transporting prisoners, but also in handling supplies. The difficulty is that the State does not have the money in the general fund nor does it have it in sight out of taxation for either purchasing a tract of land for a new location or for making improvements. The State cannot bond itself for these expenditure except through authority from a constitutional amendment, and it seems futile to hope for that authority. A plan proposed is to sell some or all of the prison farms and proceed with the change of system, but the farms in what is known as the Houston Territory are not salable in small tracts until protected by levees, and if sold in big tracts will bring but a small percentage of their value. The situation requires careful thought and it may be found desirable to concentrate the system in what is known as the Houston Dis-

trict, there being about fifty thousand acres therein, deriving the money for a start of the system by selling all the farms north of the Houston District. The plan is further outlined in a bill being prepared by the chairman of the standing penitentiary committee of the House which will be submitted for your consideration in due time.

We approve the suggestion that the management of the penitentiary system be turned over to single individual qualified for the duties and paid in accordance with his qualifications. To avoid the necessity of a constitutional amendment carrying out this plan, we propose that the present constitutional commissioners be placed on a non-salary basis, be paid on a per diem basis for the time devoted to their work, be paid their expenses, be required to engage a qualified manager and exercise practically the same supervision over his activities as do the directors over industrial corporations. This change can be made by legislative enactment during the present session if it receives general approval.

The adoption of the two foregoing recommendations would, we believe, lead to an eventual solution of the penitentiary problems. So many irregularities have been found, so many rehearsals of brutality, so much evidence of incompetency, to relate all would make a record so long that no one would read it. Briefly, however, we think attention should be called to the following: In the medical work nearly all the doctors employed have their private practice as well as prison practice. This is wrong. Even doctors are human and their first thought is for their private practice. Pending the establishment of the centralized system as outlined above, we think full time doctors should be engaged for the service.

The financial system is rotten. A qualified accounting firm should be engaged to set up a new system and at unexpected intervals some accounting firm should be engaged to audit the accounts of the system as is done by all large corporations. The sales of cotton by the prison management have resulted in scandals and we recommend that the management look into the question of selling through a co-operative marketing association, especially in

view of the fact that the co-operative marketing of farm products is now recognized as a desirable economic move.

We do not believe that the prisoners are receiving proper educational or vocational instructions. A single head of the system versed in criminology would correct this. Pending the establishment of the single head system the management should devote some whole-hearted energy to the mental and vocational improvement of convicts.

The lack of religious rites and instruction accorded convicts is deplorable. In this we think both the prison managers and all religious denominations of the State are at fault. Practically no volunteer work is done to advance the spiritual welfare of the unfortunate unfortunates under sentence. Our churches show commendable zeal in nearly all fields where the welfare of humanity can be advanced, and we feel sure that their failure to do so in the direction indicated has been merely an oversight, and that the opportunity will now be quickly embraced.

There should also be voluntary aid to help released prisoners get employment, and the State should pay such men not less than \$25.00 upon release instead of \$5.00 as at present.

A better class of guards should be employed. They are now paid \$40.00 to \$50.00 per month, which is insufficient to attract good men. They should be given a higher wage. It should be made known throughout the State that good men are required for prison guards. Applicants should make known their qualifications through properly substantiated statements. These statements should be passed upon without regard to the political affiliations of the applicants, and a list of applicants established. From that list appointments should be made when required as is now done where civil service rules are in vogue. The guard is the man in close touch with the prisoner. It is positively necessary to get a better type of manhood in this position.

Necessarily this report is brief and does not include all desirable changes, because the Legislature has not the time to make such changes within its regular session. A transcript of the record of testimony taken will be made and be available for all members of the Legislature

or other citizens desiring to study it. We are firmly convinced, however, that if this Legislature will provide for a centralized system and one-man management, Texas will soon have a good prison system. These two steps, as has been pointed out, can be taken at this session.

It is difficult to recommend changes in the officers and employees of the system, because so many are lax in their work that if all who are lax were to go there would be mighty few left. We therefore recommend that a transcript of the testimony when made be given to the Governor, and that the Legislature now request the Governor to study such testimony and make such changes in the staff, from the commissioners down, as she thinks necessary. The Governor appoints the commissioners, the law provides for the impeachment of commissioners for malfeasance or non-feasance on motion of the Governor, the proceedings to be conducted in court by the Attorney General. It is therefore the orderly method of procedure for the Governor to take action in case of necessity against officers and employees of the system. Any action of the Legislature in this direction is purely voluntary and might not be effective, while action by the Governor would be effective.

We also desire to call to the attention of the Legislature the fact that a transcript of the testimony is not yet available for them to read, and they should hardly be called upon to determine the guilt or innocence of men without a record to examine.

Respectfully submitted,

J. W. STEVENSON,  
A. H. KING.

Senator Bailey moved that the report be printed in the Journal and lay on the table, subject to call.

Senator Bowers moved, as a substitute, that the report be printed in the Journal and be referred to the Committee on State Penitentiaries. Pending.

#### Bills Signed.

The Chair, Lieutenant Governor Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 235.

H. B. No. 338.

H. B. No. 283.

H. B. No. 47.  
 H. B. No. 150.  
 H. B. No. 59.  
 H. B. No. 51.  
 H. B. No. 317.  
 H. B. No. 351.  
 H. B. No. 79.

### Adjournment.

On motion of Senator Bailey, the Senate, at 5 o'clock p. m., adjourned until 9 o'clock tomorrow morning.

### APPENDIX.

#### Committee Reports.

Committee Room,  
 Austin, Texas, Feb. 23, 1925.  
 Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 18, A joint resolution "Proposing to amend Section 4, Article 5, of the Constitution of the State of Texas so that it shall hereafter provide for five judges of the Court of Criminal Appeals."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,  
 Austin, Texas, Feb. 23, 1925.  
 Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 354, A bill to be entitled "An Act to amend Chapter 110, Local and Special Laws of the Thirty-third Legislature, Regular Session, being an Act entitled 'An Act creating the Pearshall Independent School District in Frio County, Texas, including the town of Pearshall, incorporated for school purposes under General Laws of 1891, etc.'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
 Austin, Texas, Feb. 23, 1925.  
 Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 366, A bill to be entitled "An Act to extend the boundaries of the Blessing Independent School District, enlarging the same and defining its boundaries, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
 Austin, Texas, Feb. 23, 1925.  
 Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 365, A bill to be entitled "An Act extending the boundaries of the Markham Independent School District, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
 Austin, Texas, Feb. 23, 1925.  
 Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

S. B. No. 361, A bill to be entitled "An Act setting aside lands owned by the State of Texas and the Prison Commission of Texas, located in Cherokee, for reforestation purposes to be used for such purposes by the Agricultural and Mechanical College, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

FAIRCHILD, Chairman.

Committee Room,  
 Austin, Texas, Feb. 23, 1925.  
 Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 101, A bill to be entitled "An Act to create a permanent Text-book Commission for the State of

Texas, to be styled "The Texas State Textbook Commission," defining its membership and appointment; authorizing the adoption of a system of uniform textbooks in this State; providing the manner in which revisions of adopted texts may be made; to prohibit lobbying before the commission by legal and special representatives of authors or publishers; to prescribe rules and regulations for the commission in entering into contracts with publishers of school textbooks; to prescribe penalties for violation of the provisions of this Act, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that the committee substitute do pass.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1925.  
Hon Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 401, A bill to be entitled "An Act to create Common County Line School District No. 37, in Williamson and Burnet Counties, Texas, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1925.  
Hon Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred, H. B. No. 385, A bill to be entitled "An Act to create the Wolfe City Independent School District in Hunt County, Texas, including the present Wolfe City Independent School District of said county, providing for a board of trustees in said district, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1925.  
Hon Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 380, A bill to be entitled "An Act creating the Paradise Independent School District in Wise County, Texas; defining its metes and bounds; vesting it with the rights, powers and duties of districts incorporated for school purposes only under the General Laws of the State of Texas; providing for the assumption of the outstanding bonds of the Paradise Common School District, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with committee amendments, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1925.  
Hon Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred,

S. B. No. 347, A bill to be entitled "An Act to establish a more efficient system of public roads for Orange County, and to empower the commissioners' court thereof to provide rules and regulations therefor; to provide for the condemnation of private property for road purposes; and to provide for the appointment of a county engineer; to allow the issuance of bonds for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1925.  
Hon Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 105, A bill to be entitled "An Act creating and incorporating the Hancock Independent School District in Dawson County, Texas, out of territory now composing Common School District No. 27 in said county; defining its boundaries, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 293, A bill to be entitled "An Act to create the Dry Lake Independent School District situated in Dickens County, Texas; providing for a board of seven trustees, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 50, A bill to be entitled "An Act creating and incorporating the Klondike Independent District in Dawson County, Texas, out of territory now composing Common School District No. 26 in said County; defining its boundaries, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 212, A bill to be entitled "An Act incorporating the Italy Independent School District in Ellis County, Texas, for free school purposes only, defining its boundaries, providing for board of trustees, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 352, A bill to be entitled "An Act to amend Sections 7 and 8, Chapter 19, of the Local and Special Laws of the Regular Session of the Thirty-sixth Legislature, and adding thereto Sections 8a and 8b, relating to quorum, providing for the appointment of certain officers board of equalization, and providing for the execution of bond by certain officers of the Garwood Independent School District in Colorado County, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 376, A bill to be entitled "An Act to amend Chapter 63, Local and Special Laws of the Third Called Session of the Thirty-sixth Legislature, same being an Act creating the Dixon Independent School District in Hunt County, Texas, by re-defining its boundaries and by adding thereto Sections 2a, 2b, 2c and 2d authorizing said Dixon Independent School District to issue bonds, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 430, A bill to be entitled "An Act to amend Section 1 of Chapter 47 of the Local and Special Laws of the Thirtieth Legislature, Regular Session, as amended in Chapter 39, Local and Special Laws of the Thirty-Sixth Legislature, Regular Session, and in Chapter 66, Special Laws of the Thirty-seventh Legislature, Regular Session, being entitled 'An

Act creating the Eldorado Independent School District in Schleicher County, Texas,' so as to re-define the boundaries of the said district, repealing all laws and parts of laws in direct conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 260 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 317 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 315 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 320 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 337 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 273 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 344 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 253 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 204 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 193 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 110 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 250 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 299 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 132 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 361 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 328 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 300 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 335 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 339 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 352 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 254 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 285 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 321 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

#### Bills Ordered Printed in Journal.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir We, your Committee on Penitentiaries, to whom was referred S. B. No. 351.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 27.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed, but printed in the Journal.

FLOYD, Chairman.



**THIRTY-THIRD DAY.**

Senate Chamber,  
Austin, Texas,

Tuesday, February 24, 1925.

The Senate met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Wood.
Parnell.	Woodward.
Parr.	

Absent.

Hardin of Erath.	Murphy.
Miller.	Witt.

Prayer by Senator Reid.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

**Senate Bill No. 343.**

Senator Pollard moved that S. B. No. 343 be recalled from Committee on State Affairs and be referred to Committee on Educational Affairs.

The Chair held that the committee had not reported on the bill and the motion was, at this time, out of order.

**Bills and Resolutions.**

By Senator Davis:

S. B. No. 374, A bill to be entitled "An Act to require all students entering the Agricultural and Mechanical College, College of Industrial Arts, East Texas State Teachers College, John Tarleton Agricultural College, North Texas Agricultural College, North Texas State Teachers College, Prairie View State Normal and Industrial College, Sam Houston State Teachers College, South Texas State Teachers College, Southwest Texas State Teachers College, Stephen F. Austin State Teachers College, Sul Ross State Teachers College, Texas Technological College,

University of Texas, main branch, University of Texas, medical branch, University of Texas, school of mines and metallurgy branch, and West Texas State Teachers College, on and after June 1, 1925, to pay a charge, fee or tuition of one hundred dollars for the regular annual long term of nine months, and thirty-five dollars for the summer or short term, if there be one in said named institutions, and authorizing the Board of Regents or the governing board of each institution to use said fees or charges or tuition for all proper purposes in the interest of said institutions and student body, except for the purpose of erection and construction of permanent improvements and making repairs thereon, and providing that the fees, charges and tuition required to be paid shall be the full, final and exclusive fees, charges and tuition permitted under the laws of Texas, repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Morning call concluded.

By Senator Smith, by request:

S. B. No. 375, A bill to be entitled "An Act to amend Section 1 and Section 3, Chapter 78, General Laws, Thirty-fifth Legislature known as the Interchangeable Jury Law, to regulate the selection, organization and custody of juries in all cases except capital and lunacy cases in counties where there are now three or more, or may hereafter be established three or more district courts and in counties in which there are two district courts and one county court at law, and to repeal all laws in conflict herewith.

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Real.

S. B. No. 376, A bill to be entitled "An Act to permit Otto Limberger and M. H. Tarver to maintain a suit now pending in the district court of Bandera County, Texas, the same being Number 976, styled Otto Limberger versus the State of Texas, said suit being brought for the purpose of setting aside a final judgment against said Limberger and said Tarver in favor of the State of Texas, on a forfeited bail bond, plaintiffs in said suit alleging a meritorious